

Sec. 22.⁸⁷ If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 23. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the senate on April 19, 1973: Yeas 25, Nays 3; May 10, 1973, senate concurred in house amendments: Yeas 25, Nays 5; passed the house, with amendments, on May 10, 1973: Yeas 113, Nays 18.

Approved May 15, 1973.

Effective May 15, 1973.

PUBLIC BUILDING CONSTRUCTION—INCLUSION OF FINE ARTS PROJECTS

CHAPTER 89⁸⁸

H. B. No. 292

An Act relating to the inclusion of fine arts projects in certain state and public building construction projects through cooperation with the Texas Commission on the Arts and Humanities; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. When used in this Act, unless the context requires a different definition:

(1) "State construction project" refers to any building construction project undertaken by the State Building Commission under the provisions of the State Building Construction Administration Act.

(2) "Public construction project" includes any building construction project constructed by and for the Department of Mental Health and Mental Retardation, the Texas Youth Council, the Texas Employment Commission, and the Texas Highway Department, any building construction project constructed by and for the Texas Department of Corrections, any building construction project constructed by and for state institutions of higher education, and any building construction project constructed by any county, city, or other political subdivision of this state.

(3) "Original project cost estimate" means an estimate of the cost of a building construction project by the State Building Commission, exclusive of any expenses stipulated for fine arts projects.

Sec. 2. The provisions of this Act apply to any state construction project whose original project cost estimate exceeds \$250,000, and to any public construction project whose estimated cost exceeds \$250,000.

⁸⁷. Vernon's Ann.Civ.St. art. 8306, § 2, note. ⁸⁸. Vernon's Ann.Civ.St. art. 678h, §§ 1 to 4.

Sec. 3. (a) Any state department, commission, board, or other agency which requests a project analysis from the State Building Commission may stipulate that a percentage of the original project cost estimate not to exceed one percent shall be used for fine arts projects at or near the site of the building construction project, such as murals, fountains, mosaics, and other aesthetic improvements.

(b) If the expenditures for fine arts are authorized and appropriated by the Legislature, the State Building Commission shall consult and cooperate with the Texas Commission on the Arts and Humanities for advice in determining how to utilize the portion of the appropriation to be used for fine arts projects.

(c) It is the intent of the Legislature that emphasis be placed on works by living Texas artists whenever this is feasible. Consideration shall be given to artists of all ethnic origins.

(d) Nothing in this Act is intended to limit, restrict, or otherwise prohibit the State Building Commission from including expenditures for fine arts in its original project cost estimate.

Sec. 4. (a) Any state department, commission, board, institution of higher education, or the governing body of any county, city, or other political subdivision, may designate that a percentage not to exceed one percent of the cost of a public construction project shall be used for fine arts projects at or near the site of the construction project.

(b) The department, commission, board, institution of higher learning, or governing body of a political subdivision may consult and cooperate with the Texas Commission on the Arts and Humanities for advice in determining how to utilize the portion of the cost set aside for fine arts purposes.

(c) The Texas Commission on the Arts and Humanities shall place emphasis on works by living Texas artists whenever this is feasible, and when consulting with the governing body of a political subdivision, shall place emphasis on works by artists who reside in or near the political subdivision. Consideration shall be given to artists of all ethnic origins.

Sec. 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 6, 1973, by a non-record vote; passed by the Senate on May 3, 1973: Yeas 31, Nays 0.

Approved May 15, 1973.

Effective Aug. 27, 1973, 90 days after date of adjournment.